

NEW MEXICO—CERTAIN LAND CLAIMS.

LETTER

FROM

THE SECRETARY OF THE INTERIOR,

COMMUNICATING

Supplemental reports from the Surveyor General of New Mexico in regard to certain land claims in that Territory.

JANUARY 16, 1857.—Laid upon the table and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
City of Washington, January 15, 1857.

SIR: I have the honor to communicate herewith a letter from the Commissioner of the General Land Office, dated the 6th instant, enclosing supplemental reports of the surveyor general of New Mexico upon certain land claims in that Territory, and to request that the same may be regarded and printed as a part of the annual report from that office.

I have the honor to be, with great respect, your obedient servant,
R. McCLELLAND, *Secretary.*

Hon. N. P. BANKS,
Speaker of the House of Representatives.

GENERAL LAND OFFICE,
January 6, 1857.

SIR: The surveyor general of New Mexico, under date of the 30th November last, transmitted to this office the following documents, to wit:

The claim of the Pueblo of Zia, numbered 14, which should have been No. 17;

The claim of the Pueblo of Nambé, numbered 15, which should have been No. 18;

The claim of the Pueblo of Sandia, numbered 16, which should have been No. 19;

The claim of the Pueblo of Isleta, numbered 17, which should have been No. 20;

which have been filed in surveyor the general's office since 30th September last, the date of his last annual report to this office, and which, together with the then accompanying papers, was transmitted by this office to the department, and constituted a part of the annual report from this office, dated 29th November last.

The foregoing claims having been examined and approved by the surveyor general, have been transmitted here, with the request that the same be made part of those which accompanied his annual report as aforesaid, submitted to Congress for their action.

The surveyor general forwarded, at the same time, an additional document, styled "Notice pertaining to private claim No. 3 of Francisco Martinez," which, through inadvertence, failed to accompany the papers constituting that claim transmitted with his annual report as aforesaid, and which document he now requests may be placed where it properly belongs.

In accordance with the above request I have, therefore, the honor to transmit the above mentioned papers in *duplicates*, so that the same may be submitted by the department to both Houses of Congress for their action thereupon.

With great respect, your obedient servant,

THOS. A. HENDRICKS,
Commissioner.

Hon. R. McLELLAND,
Secretary of the Interior.

NOTICE.

Claim No. 3—Francisco Martinez.

To the surveyor general of New Mexico:

Your petitioner, Francisco Martinez, respectfully states, that on the 23d day of April, 1832, your said petitioner's father, Manuel Martinez, in company with eight male children and several others who volunteered to accompany him, made application to the political chief of the Territory of New Mexico for a certain tract or parcel of land situate, lying, and being in the Territory aforesaid, in the county of Rio Arriba, and known as the "Tierra Amarilla," bounded on the north by the Navajo river, on the south by the Nutrias river, on the east by the mountain range, and on the west by the line of the Puerto to the Laguna de los Caballos. Your petitioner further states, that the aforesaid petition was referred by the political chief aforesaid to the most excellent territorial deputation, and said deputation caused the same to be referred to the constitutional corporation of Abiquiú, requiring it to report on the propriety or impropriety of making the aforesaid grant to the persons mentioned in the petition referred to; that on the 15th day of May, 1832, the corporation aforesaid reported to the provincial deputation, recommending the propriety of acceding to the request of the petitioners; that on the 20th day of July, 1832, the territorial deputation aforesaid granted to Manuel Martinez,

his eight children, and those who volunteered to accompany him, the land referred to in their petition, with the boundaries therein set forth, and directing the constitutional justice of Abiquí to place the parties in possession, giving to each one a sufficient number of varas of tillable land in which to sow from four to five fanegas of wheat, giving them titles of possession to said land; that the justice of Abiquí proceeded to place them in possession, but before arriving at the place they were turned back on account of a war breaking out between the citizens of New Mexico and the Navajo Indians, making it extremely dangerous for them to proceed any further. Your petitioner further states, that in consequence of said war they have never been placed in possession, as required by law; that after the war had terminated, and the Indians at peace, they have had their stock upon said lands up to the present time. Your petitioner believing the grant (herewith accompanying, marked A) to be a good and lawful grant, made under the laws, usages, and customs of the republic of Mexico, previous to the cession of the Territory to the United States, respectfully pray that the same may be investigated and confirmed to your petitioner and associates in fee, the same being, in our opinion, according to law and equity. Your petitioners further represent, that said tract or parcel of land contains, from north to south, six leagues, more or less, and from east to west four leagues, more or less; that they cannot furnish a plot of survey of said land, as no survey has ever been made. And, as in duty bound, your petitioner will ever pray, &c.

FRAN'CO MARTINEZ.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, October 17, 1856.

The foregoing is a true copy of the original document on file in this office.

WM. PELHAM,
Surveyor General New Mexico.

Claim No. 14—Pueblo of Zia.

1689.—In the pueblo of Our Lady of Guadalupe del Paso del Rio del Norte, on the twentieth day of the month of September, in the year one thousand six hundred and eighty-nine, his excellency Don Domingo Jironza Petros de Cruzate, governor and captain general, stated that, whereas, in overtaking the Queres Indians, and the apostates, and the Theguas, and those of the Thunos nation, in that of New Mexico, and after having fought with all the Indians of all the other pueblos, an Indian of the pueblo of Zia, named Bartolomé de Ojeda, who was the most conspicuous in the battle, lending his aid

everywhere, surrendered, being wounded, and, as before, I ordered him to declare, under oath, the condition of the pueblo of Zia, which was the most distinguished in the battle of that kingdom of New Mexico, being the most fortified.

Questioned if the pueblo would apostatize at any future time, as was customary with them; the deponent answered, no; that they were very intimidated; that although they were elated at what had occurred in the year previous, he judged it was impossible for them to fail in giving in their allegiance; whereupon, his excellency Don Domingo Jironza Petroz de Cruzate, governor and captain general, granted them the boundaries herein set forth: on the north, one league; on the east, one league; on the west, one league; and on the south, one league; to be measured from the four corners of the temple situated to the north of the pueblo. His excellency so ordered, provided, and signed before me, the present secretary of government and war.

DOMINGO JIRONZA PETROZ DE CRUZATE.

Before me:

DON PEDRO LADRON DE GUITARA,
Secretary of Government and War.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, October 25, 1856.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, October 31, 1856.

The foregoing is a true copy of the original translation on file in this office.

WM. PELHAM,
Surveyor General.

Claim No. 14—Pueblo of Zia.—Original.

1689.—En el pueblo de N^{ra}. S^a. de Guadalupe del Passo del Rio del Norte, en veinte dias des mes de Sep^{te}. de mil seissientos y ochenta y nuebe años, el Señor Gou^{er}. y Capⁿ. Gen^l. Dⁿ. Domingo Jironza Petroz de Cruzate, dijo que por quanto en el alcance que se dio en el de la Nueba Mex^{co}. de los Yndios Queres y los Apostatas y los Teguas y de la Naz^{on}. Thanos, y despues de hauer peleado con todos los demas Yndios de todos pueulos, un Yndio del Pu^o. de Zia llamado Vartolome

de Ojeda que fue el que mas se señaló en la batalla acudiendo a todas partes se rindió biendose herido lo cual como dicho es mandé que deuajo de juram^{to}. declare como se alla el Pu^o. de Zia que fue el que mas se señaló en las vatañas de aquel reyno de la Nueua Mex^{co}. pues fue el Pu^o. mas fortificado.

Preguntado que si este Pu^o. boluera en algun tiempo a hapolstatarse como ha sido costumure entre ellos, y dize el confesante que no que ya esta muy metido en temor, que aunque estaban abilantados, con lo que les aura susedido el año pasado, jusgana era vn ynpossible que dejan de dar la obedienzia, por lo cual se consedió por el Señor Gou^{er}. y Capⁿ. Gen^l. Dⁿ. Domingo Jironza Petroz de Cruzate los linderos que aqui anoto, para el norte una legua, y para el oriente una legua, y para el poniente una legua, y para el sur una legua, midiendo estas de las cuatro esquinas del templo que queda al norte del Pu^o., asi lo proveyo mando y firmo su ss^a. a mi el presente Secret^o. de Goⁿ. y guerra.

DOMINGO JIRONZA PETROZ DE CRUZATE.

Ante mi,

DON PEDRO LADRON DE GUITARA,
Se^o. de Gⁿ. y Gu^a.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, October 25, 1856.

The foregoing is a correct copy of the original on file in this office.
DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, October 31, 1856.

David V. Whiting, whose genuine signature appears subscribed to the foregoing certificate, is and was, at the time of the signing of the same, the translator of this office.

WM. PELHAM,
Surveyor General of New Mexico.

Claim No. 15—Pueblo of Nambé.

Juan Lozario Padilla, governor, Antonio Vigil, lieutenant governor, José María Ruibal, chief, of the pueblo of Nambé, being duly sworn by the surveyor general at Santa Fé, in the presence of General A. G. Mayers, Indian agent for the pueblos, they answered the interrogatories propounded to them in the following manner, viz :

Question. Did the pueblo of Nambé receive a grant for the lands they occupy from the King of Spain?

Answer. From our ancestors we have been informed that the grant was in the possession of the pueblo.

Question. Where is the grant now?

Answer. We do not know.

Question. Do you know when and how the pueblo was deprived of its possession?

Answer. Many years since a dispute arose between the Indians of the pueblo and several Mexican citizens who wished to trespass upon their land. The case was taken before the acting governor of the territory, to whom the governor of the pueblo delivered the grant; and, although they have claimed it several times, the acting governor refused to deliver it up; since which time it has not been seen or heard of.

Question. Have you any tradition of how long the pueblo has been in existence; and was the oldest man in it born there?

Answer. From tradition we know the pueblo was settled at the same time the others were. The oldest man in the pueblo was born there.

Question. Do you know if the grant to your pueblo calls for one league towards the four points of the compass?

Answer. We claim one league in each direction from the four corners of the church.

JUAN ROSARIO, *Governor.*

ANTONIO \times VIGIL, *Lieutenant Governor.*
his
mark.

JOSÉ MARIA + RUIBAL, *Chief.*
his
mark.

Witness:

A. G. MAYERS,

Agent for the Pueblo Indians of New Mexico.

Sworn and subscribed before me the 29th day of September, 1856.

WM. PELHAM,
Surveyor General.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, October 31, 1856.

I hereby certify the foregoing to be a true copy of the original now on file in this office.

WM. PELHAM,
Surveyor General.

Claim No. 16—Pueblo of Sandia.

To his Excellency Don Joachin Codallos y Rabal:

Friar Juan Miguel Melchor, preacher and delegate, commissary general, by patent from my diocese, present myself before your excellency, according to law, and in the manner most convenient to me in the present petition, and state that for six years I have been engaged in the work of

converting the Gentiles, and notwithstanding innumerable trials, I have succeeded in planting the seeds of the Christian faith among the residents of the pueblos of Acoma, Laguna, and Zia, and for all of which I hold instructions from the most excellent viceroy of New Spain to construct temples, convents, and pueblos, with sufficient lands for each, water, watering places, timber, and pastures, which I have obtained for all those I have been enabled to convert; and having converted and gained over three hundred and fifty souls. From hence to the Puerco river, which I have brought from the Moqui pueblos, bringing with me the cacique of these pueblos, for the purpose of establishing their pueblo at the place called Sandia. Having received the permission of the most excellent viceroy, which order is on file with that government, I therefore ask that possession be given me of the aforementioned place of Sandia, which I have already examined, and found unoccupied, so as to prevent my converts from returning to apostacy, and by locating them at any other point they may escape to their former homes, being the most remote. By doing which I will receive the grace, favor, and justice I ask at the hands of your excellency. I swear the above is not done through malice, and in whatsoever may be necessary, &c.

FRIAR JUAN MIGUEL MELCHOR,
Delegate Attorney Commissary General.

SANTA FÉ OF THE NEW MEXICO, April 3, 1748.

In the city of Santa Fé, on the fifth day of the month of April, in the year one thousand seven hundred and forty-eight, before me Don Joachin Codallos y Rabal, sergeant major, governor and captain general of this kingdom of New Mexico, the foregoing petition was presented, accompanied with the superior despatch of the most excellent viceroy of this New Spain, by the most Reverend Friar Juan Miguel Melchor, retired preacher general, delegate commissary and attorney general of this holy custody of the conversion of Saint Paul, &c., which being seen by us, and the plans proposed by the said reverend father for the construction of a temple, convent, and pueblo, referred to him; and the conveniences which are offered to the Moqui Indians, reduced to the locality and site, called Sandia, being known to me, which pueblo shall be partly fortified, in order to prevent the invasions which are occasionally made by the Gentile enemies, whose place of entrance is at the aforementioned place. In view of which, and having received certain information concerning said conquered Indians, which are distributed among several pueblos of this kingdom, asking that a pueblo may be established for them, in which those of the aforementioned Moqui nation can construct their houses and form a settlement: therefore, and in order that the foregoing decree of the most excellent viceroy, and the petition of the aforesaid very reverend father, delegate commissary, may be carried into effect, I hereby give such ample and sufficient authority as is required in such cases to the Lieutenant General Don Bernardo de Bustamante, to proceed to the aforementioned site of Sandia with ten soldiers, and with the co-operation of the aforesaid very reverend father, delegate

commissary, to personally examine, calculate, and reconnoitre the aforesaid site, and distribute the lands, waters, pastures, and watering places, sufficient for a regular Indian pueblo, as required by the royal orders concerning the matter, setting forth the boundaries thereof; and the aforesaid lieutenant general shall also proceed to give authentic royal and personal possession to the very reverend father missionary, who may be assigned by his prelate to the new mission. Having given the lands to the conquered Indians of the aforesaid nation, as aforementioned, in case any dispute or objection is raised by any person or persons claiming a title to said lands, he will report the same to this government, in order that such legal steps be taken in the premises as may be necessary. And having recorded his doings in the premises immediately following this decree, the aforesaid lieutenant general will take a correct copy thereof, which he will deliver to the aforesaid very reverend delegate commissary, returning the original to this government, in order that it may always appear. Further, it being necessary to appoint a judge to administer justice in said settlement, protect the Indians, hearing their cases, and giving them such legal remedies as they may require, I hereby declare said pueblo of Sandia for the present to be under the jurisdiction of the town San Felipe de Albuquerque, in order that the lieutenant thereof, or his lieutenants, shall comply strictly with the duties herein imposed, and the senior justice will cause the conquered Moqui Indians, who may be within their respective jurisdictions, to attach themselves with all possible despatch to the aforesaid pueblo of Sandia to be established. The construction of which will be commenced during the early part of May of the present year, one thousand seven hundred and forty-eight. I have so provided, ordered, and signed with my attending witnesses, with whom I act in the absence of a public or royal notary, there being none in this kingdom.

To which I certify:

JOACHIN CODALLOS Y RABAL.

Witnesses:

JOSE JACOBO DE BOANAS.

MIGUEL ALIRE.

The superior decree of the most excellent viceroy of this New Spain, contained in this document, presented by the most reverend friar Juan Miguel Melchor, delegate commissary, and preacher general of this holy custody, was published; and I rubricked the same in this pueblo and mission of Our Lady of the Douleurs and Saint Anthony of Sandia, on the fourteenth day of the month of May, in the year one thousand seven hundred and forty-eight. I, the Lieutenant General Don Bernardo de Bustemante Tagle, commissioned to give the royal possession granted and conferred by the sergeant-major Don Joachim Codallos y Rabal, governor and captain general of this kingdom of New Mexico, in order to give possession to the reverend father, preacher, friar, Juan Jose Hernandez, the minister assigned by patent of his reverend prelate, and to the Indians of the Moqui nation, who are assembled for the purpose of re-establishing said pueblo; and

for the better security and advancement of the same, I caused to appear before me the citizens who resided near and more contiguous to said pueblo on the other side of the Del Norte river towards the west, who are Antonio de Salazar, Jose Jaramillo, and Salvador Jaramillo, to whom, being in my presence, I made known the commission I held to grant the royal possession. I am directed to give to the aforesaid children of Sandia and their minister, and making them also understand that they were exonerated from giving the league to said Indians on the west according to the royal mandate, which provides for one league towards each of the four cardinal points, which will be increased in other directions, but that they were to consent that at all times the aforesaid Moqui Indians of this new settlement (on account of the many risks their stock was subjected to on this side) could cross over and pasture on the lands of their aforesaid Spanish neighbors, whom, before witnesses of unexceptionable veracity, I asked, and notified for once and oftener, if they would consent or not; and they consented to the request of the aforesaid Indians and their father missionary; whereupon they jointly and severally, *in solidum*, that they would and did give free and ample permission now and forever to cross over and pasture their stock, binding and obliging themselves, their children, heirs, and successors, not to oppose any impediment whatsoever; on the contrary they urge the aforesaid Indians to do so without fear of causing any damage; they so promised, and stated that they would fulfil their promise without dispute or legal proceedings now or in the future; and in testimony whereof they signed their names; and for those who could not sign, I signed, as acting justice in the absence of a royal or public notary, there being none in this kingdom.

I certify:

BERNARDO ANTONIO DE BUSTAMANTE TAGLE,
Acting Justice.

Witnesses:

YSIDRO SANCHES TAGLE.

PADRO TAFOYA.

JOSE JARAMILLO.

In the town and mission of Our Lady of the Douleurs, and Saint Anthony of Sandia, on the sixteenth day of the month of May, in the year one thousand seven hundred and forty-eight, I, the Lieutenant General Don Bernardo Antonio de Bustamante Tagle, acting judge by special commission received for the purpose from his excellency Don Joachin Codallas y Rabal, governor and captain general of this kingdom of New Mexico, having ascertained and made myself acquainted with the petition of the very reverend father, delegate commissary and attorney general of this new conversion; and in compliance with the provisions of the petition of the aforesaid very reverend father, and in fulfilment of what has been ordered in the foregoing decree, being at the aforesaid mission for the purpose of giving royal and personal possession, as I am required to do, caused to appear before me the more immediate neighbors, who were Captain Miguel Montoya, José Garcia, Catarina Gonzales, Andres Martin, Juan

Gonzales, Maria Lopes del Castillo, and Julian Rael de Aguilar, who are contiguous to the southern boundary of the aforesaid pueblo ; and on the north, Captain Francisco Gutierrez, Juan Gonzales Manuel Miranda, and Diego Gallegos, whom being all present, I notified of the grant which I hold authorizing me to give royal and personal possession to the Moqui children, who have been brought for the purpose of resettling said mission, and to their minister ; and if they were injured in any manner, to shew the title under which they claimed, to which they answered, that if the boundaries of the land granted covered any portion of their purchases and grants, they would surrender them without controversy, such being the superior order, and that they would not take any steps now or hereafter to assert their legal right thereto ; and having given their consent without any hesitation, they signed their names, and for those who could not, I signed, with my attending witnesses, as acting judge in the absence of a royal or public notary, there being none in this kingdom.

I certify :

BERNARDO ANTONIO DE BUSTAMENTE,
Acting Justice.

Witnesses :

PEDRO TAFOYA,
MIGUEL MONTOYA,
JOSE GARCIA,
ANDRES MARTIN,
JUAN GONZALES,
JULIAN RAEI DE AGUILAR,
FRANCISCO GUTIERRES,
JUAN GONZALES,
JOSE MANUEL MIRANDA,
DIEGO GALLEGOS, &c.

At the aforesaid place and mission, on the said day, month, and year, as directed, I proceeded to give royal and personal possession, accompanied by all the neighbors ; and the first act being to give a name and vocation to the said new reduction, in order to perpetuate its memory, giving it the name of our Lady of the Douleurs and Saint Anthony of Sandia, and being thus named, the recently converted Indians of said nation being all together, with their minister, the Rev. Father Friar Juan José Hernandez, whom I took by the hand, and, in the name of his Majesty, whom may God preserve, walked with him over the land, they cried aloud, threw stones pulled up weeds, and in a loud voice, exclaimed, " Long live the King, our sovereign ! " Several times, they received the royal possession without any contradiction whatsoever ; the leagues, granted to a formal pueblo, were measured, and the lines being drawn towards the west to the Del Norte river, which is the boundary, there were only two lines of fifty and twenty Castilian varas each, amounting in all to two hundred and forty varas ; and, in order to complete what was lacking on the western side, I thought it necessary to add to or increase the laagues towards the north and south equally, in order that the adjoining Spanish grantees should not be damaged—said two

boundaries amounting to seven thousand three hundred and eighty Castillian varas, the league towards the west, being four thousand seven hundred and sixty varas less; the land within said two boundaries being all adapted to the raising of wheat, and the water being convenient to the surface of the ground. And, in order to perpetuate their boundaries, I directed them to establish landmarks, or mounds of mud and stones of the height of a man, with wooden crosses on their summits, the boundaries being on the north an old tower opposite the point of a cañon commonly called "De la agua," and on the south the Maygua hill opposite the spring of the Carrisito, and on the east the main ridge called Sandia, within which limits there are convenient pastures, timber, water, and watering places in abundance, to support large and small cattle and horses, all of which was given with free and general control to the aforesaid Moqui Indians, converts who are congregated together as aforesaid, that they may enjoy it themselves, their children, heirs, and successors; and those that were present, amounted to three hundred and fifty souls, great and small, composing seventy families, who, being all together, I granted and published; and they heard the royal possession given in the name of his Majesty, whom may God preserve, which is a sufficient title for them now and forever to prevent interference at any time, and against any person or persons who may trespass within the boundaries set forth, of which they are in possession. And, in order that it may always so appear, I placed the same on record, corporal Antonio Armenta and Juan Simon being instrumental witnesses; and I signed, with my attending witnesses, with whom I act as assisting judge, in the absence of a royal or public notary, there being none in this kingdom within the limits prescribed by law. Giving these copies, one to my Rev. Father, minister, for the pious purposes designed by the most excellent viceroy, and the merits of his ministry and Christian charity, and the other to remain in the hands of the Rev. Father, minister Friar Jose Hernandez, and with the other report to the government on the day, month, and year aforesaid.

BERNARDO ANTONIO DE BUSTAMENTE TAGLE,

Witnesses :

Acting Justice.

PEDRO TAFOYA,

YSIDRO SANCHES TAGLE.

The above agrees with the original, from whence I, said lieutenant general, ordered it to be well, literally, and truly copied, corrected, and compared; and Corporal Antonio Armenta and Private Juan Simoro were present when the same was taken, compared, and corrected, on two and one half (sheets), one stamped and the other common. And in order that it may so appear, I have hereunto set my hand, on the twentieth day of May, in the year one thousand seven hundred and forty-eight.

BERNARDO ANTONIO DE BUSTAMENTE TAGLE,

Witness :

Acting Justice.

YSIDRO SANCHES TAGLE,

PEDRO TAFOYA.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, October 28, 1856.

The foregoing is a correct translation of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, November 24, 1856.

David V. Whiting, whose signature appears subscribed to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WILLIAM PELHAM,
Surveyor General of New Mexico.

Señor Gobernador, Don Joachin Codallos y Rabal:

Fray Juan Miguel Melchor, predicador y comisario delegado general, por patente que tengo de mi diocesis ante Vuesencia me presente segun derecho y el que mejor me competa en el presente escrito y digo : Que hace seis años que me ocupo en las obras de conversion de los inófitos gentiles, á pesar de muchos trabajos he logrado tray gremio de la fé cristiana á los estantes en los pueblos de Acoma, Laguna y Zia, y para todos tuve despacho del excellentissimo Señor Virrey de esta Nueva España para la construccion de templos, conventos, pueblos, y suficientes terrenos para cada uno, aguas, abrevaderos, montes y pastos. Como asi lo consegui para todos los que pudiera convertir, y teniendo desde el rio Puerco para acá ya convertidos y ganadas trescientas cincuenta almas que he traído de los pueblos Moquinos, trayendo consigo al casique de estos para la erección de su pueblo en el punto de la Sandia, como lo tengo conseguido por el excellentissimo Virrey, cuya orden existe en esa gobernacion, para que ántes que mis conquistados se vallan apostata, pido se me poseccione en el referido punto de la Sandia, que ya tengo reconocido y se halla desocupado, y que puestos á otro punto pueden fugarse á sus anteriores hogares, por ser los mas remotos, que de hacerlo asi recibiré gracia, merced y justicia que de V^{sia}. solicito, pero no ser de malicia y en lo necesario, etc.

Santa Fé de la Nueva Méjico, Abril tres de mil setecientos cuarenta y ocho.

FRAY JUAN MIGUEL MELCHOR,
Procurador Comisario Delegado General.

En la villa de Santa Fé, en cinco dias del mes de Abril de mil setecientos cuarenta y ocho años, ante mi, el Sargento Mayor Don Joachin Codallos y Rabal, Gobernador y Capitan General de este reyno de la Nueva Méjico, se presentó esta peticion con el superior despacho del excellentissimo Señor Virrey de esta Nueva España, por el muy rever-

endo padre Fray Juan Miguel Melchor, predicador general jubilado, Comisario Delegado y Procurador General de esta Santa Custodia de la conversion de San Pablo, &c., que por nos vistas y en atencion á hacerme constantes los fundamentos que se proponen por dicho muy reverendo padre, para la construccion de templo, convento y pueblo que enuncia, y las comodidades que se le ofrecen á los Yndios Moquinos reducidos en la situacion y parage nombrado Sandia, y que en parte será ante moral dicho pueblo, para impedir á los enemigos gentiles las invasiones que suelen causar á este reyno por ser su entrada por el referido parage; en cuya atencion y haber ocurrido á mi algunas noticias sobre dichos Yndios reducidos que se hallan dispersos en varios pueblos de este dicho reyno, pretendiendo se les funde pueblo en que hacer mansion y establecer su habitacion todos los de la mencionada nacion Moquina. Por tanto y para que tenga efecto lo ántes determinado por dicho excelentissimo Virrey, y lo pedido por el expresado muy reverendo Padre Comisario Delegado doy comision cuan amplia y bastante necesita en tales casos al Teniente General Don Bernardo de Bustamante para que con diez soldados de este real presidio y con intervencion de dicho muy reverendo Padre Comisario Delegado, pase al punto de Sandia, y alli haga vista de ojos, tanteo y reconocimiento del sitio referido y ejecutando el repartimiento de tierras, aguas, pastos y abrebaderos que corresponden á un pueblo formal de Yndios, segun prescriben las reales disposiciones á este asunto, con espresion de sus linderos, y pasará tambien dicho Teniente General á dar posesion auténtica, real y personalmente á dicho muy reverendo Padre ministro que asignare su preslado, para dicha nueva mision y á los Yndios reducidos de la dicha nacion, dadas dichas tierras como van referidas, y habiendo contradiccion alguna ó algunas personas á dicha posesion alegando derecho á dichas tierras, sin embargo le dará á este Gobierno cuenta para dar las providencias conforme á derecho, y fechas dichas diligencias á continuacion de este auto sacará testimonio dicho Teniente General, de ellas á la letra, el que entregará al citado muy reverendo Padre Comisario Delegado, trayendo á este gobierno las diligencias para que en todo tiempo conste. Otro si respecto á ser preciso la providencia de nombrar juez para que administre justicia en dicho repueblo, proteja á los Yndios atendiendoles en sus causas y consolandolos en los recursos judiciales que pendieren; por el presente declaro pertenercer dicho pueblo de Sandia á la jurisdiccion de la Villa de San Felipe de Albuquerque por ahora, para que el teniente de él ó sus tenientes cumplan con la obligacion de este encargo, en todo los alcaldes mayores hagan que los Yndios Moquinos reducidos, que se hallan en los pueblos de sus respectivas jurisdicciones se agreguen con la mayor brevedad que sea posible, al dicho de Sandia que se ha de restablecer; cuya construccion se empezará por principios del venidero mes de Mayo de este presente año de mil setecientos cuarenta y ocho años, asi lo proveye, mandé y firmé con los testigos de mi asistencia con quienes actuo por falta de escribano público ó real, que no lo hay en este reyno, de que doy fé.

JOACHIN CODALLOS Y RABAL.

Testigo: JOSÉ JACOBO DE BOANAS.
MIGUEL ALIRE.

Se publicó el superior despacho del excelentísimo Señor Virrey de esta Nueva España que se contiene en este escrito á manera del muy reverendo padre Fray Juan Miguel Melchor, Comisario Delegado y predicador general de esta Santa Custodia ; y lo rubrique en este pueblo y mision de Nuestra Señora de los Dolores y San Antonio de la Sandia, en catorce dias del mes de Mayo de mil setecientos cuarenta y ocho años, yo el Teniente General Don Bernardo de Bustamante Tagle, comisionado en esta posecion real, dada y conferida por el Señor Sargento Mayor Don Joachin Codallos y Rabal, Gobernador y Capitan General de este reyno de la Nueva Mexico, en orden á posecionar al reverendo padre predicador Fray Juan José Hernandez, ministro señalado por patente de sus reverendos preslados, é hijos que se congregan en la nacion Moquina á la refundacion de dicho pueblo, y para su mayor justificacion y aseguramiento hize parecer por ante mi á los vecinos mas contiguos e inmediatos de la otra banda del Rio del Norte, que mira al poniente, que son Antonio de Salazar, José Jaramillo y Salvador Jaramillo, á quienes, estando en mi presencia les hize notoria la comision que tengo para la posesion real que debo dar á los referidos hijos de Sandia y á su ministro, y haciéndoles tambien saber como se les exoneraba dar á dichos Yndios la legua por el viento poniente segun previene la real disposicion, una por cada viento la que se les aumentará por los otros, pero que habran de hacer compromiso de que en todo tiempo pudieran y podian los espresados Yndios Moquinos de esta nueva repoblacion (por los muchos riesgos que de esta banda tenian sus haciendas) poder pasar á pastear á dichas tierras de los espresados vecinos Espanoles, á lo que delante de testigos de toda excepcion advertí y pregunté por una y mas veces si convenian ó no ; y daban consentimiento á lo pedido por los referidos Yndios y su padre ministro, á lo cual dijeron todos juntos y cada uno de por si, in solidum que daban y dieron pleno y bastante consentimiento para que ahora y siempre puedan pasar y pasen á pastear dichas sus haciendas con afianse y obligacion que por ellos, sus hijos, herederos, ni sucesores, no se les pondria ni pondrá impedimento alguno, ántes lo solicitan á los espresados Yndios para que lo hagan sin embarazo de daño, asi lo prometieron y dijeron que lo cumpliran sin pleito ni demanda alguna ahora y siempre ; y en virtud de la cual lo firmaron conmigo los que supieron y por los que no supieron firmaron lo firmé yo actuando como Juez Receptor con dos testigos de mi asistencia por falta de escribano real y público que no lo hay en este reyno, doy fé.

BERNARDO ANTONIO DE BUSTAMANTE TAGLE,
Juez Receptor.

Testigos : YSIDRO SANCHEZ TAGLE,
PEDRO TAFOYA,
JOSÉ JARAMILLO.

En este pueblo y mision referida de Nuestra Señora de los Dolores y San Antonio de la Sandia en diez y seis dias del mes de Mayo de mil setecientos cuarenta y ocho, yo el Teniente General Don Ber-

nardo Antonio de Bustamente Tagle, Juez Receptor, por comision especial que para ello tengo del Señor Sargento Mayor Don Joachin Codallos y Rabal, Gobernador y Capitan General de este reyno de la Nueva Mexico, habiendo hecho capaz y enterado de la peticion del muy reverendo Padre Comisario Delegado y Procurador General de esta nueva conversion, y en cumplimiento del anterior pedido del dicho muy reverendo padre, y cumpliendo con lo que se me mandó en el auto de arriba, estando en esta sobre dicha mision para la posecion real y personal que debo dar, mandé parecer ante mi á los vecinos mas contiguos que fueron el Capitan Miguel Montoya, Jose Garcia, Catarina Gonzalez Andres Martin, Juan Gonzalez, Maria Lopez del Castillo y Julian Rael de Aguilar, que son los que avecurdan en este dicho pueblo por la parte del sur, y por el norte el Capitan Francisco Gutierrez, Juan Gonzalez, Manuel Miranda y Diego Gallegos; á quienes, estando todos presentes notifiqué la concepcion que tengo para dar dicha posecion á los hijos Moquinos que se han trasportado al repueblo de la dicha mision y á su padre ministro, y que si en algo fueran dañificados ocurrieran á representar el derecho que tuvieran; á que respondieron que si en algo de sus suertes comprenden las medidas alguna tierra de las donadas y compradas las exedian sin controversia alguna en los Yndios por ser órden superior y que no harian ocuso ni ahora ni en algun tiempo para alegar derecho por lo que habiendo sin contradiccion alguna consentido, lo firmaron los que supieron y por los que no supieron hizelo yo con los testigos de mi asistencia actuando como Juez Receptor, por falta de escribano real ni publico que no lo hay en este reyno, doy fe.

BERNARDO ANTONIO DE BUSTAMANTE TAGLE,

Juez Receptor.

Testigos :

YSIDRO SANCHEZ TAGLE.

PEDRO TAFOYA.

MIGUEL MONTOYA.

JOSÉ GARCIA.

ANDRES MARTIN.

JUAN GONZALEZ.

JULIAN RAEAL DE AGUILAR.

FRANCISCO GUTIERREZ.

JUAN GONZALEZ.

JOSÉ MANUEL MIRANDA.

DIEGO GALLEGOS, &c.

—

En el mismo punto y mision, en el mis.^{mo} dia, mes y año, como se me ordena, pasé á dar la posesion real y personal acompañado de todos los vecinos, siendo la primera diligencia dar nombre avocation á dicha nueva reduccion para sus perpetuas memorias poniendo por nombre, Nuestra Señora de los Dolores y San Antonio de Sandia, y estando este nombrado, hecho juntos todos los Yndios recien convertidos de la dicha nacion refundadores y de su padre ministro, que lo es el reverendo padre Fray Juan José Hernandez, á quien coji de la mano, y en

nombre de su Majestad, que Dios guarde, pasié por dichas tierras, y dieron voces, tirando piedras, arrancaron yerbas y en alta voz dijeron, "Viva el Rey, nuestro Señor," muchas veces, aprendieron la real posesion sin contradiccion alguna, se midieron las leguas concedidas á un pueblo formal y hechados los cordeles por el viento poniente, hasta el Rio del Norte que es lindero, no hubo mas que dos cordeles del de á cincuenta y veinte varas Castellanas cada uno, que compusieron todas estas varas doscientos y cuarenta, y para completar lo que corresponde por el viento poniente crei necesario añadirles ó aumentarles á las leguas que corresponden por los vientos norte y sur con igualdades para que no fueran perjudicados los vecinos Espanoles, mercenados, siendo dichos dos vientos siete mil trescientas ochenta varas Castellanas, por faltarle á la legua que correspondia al poniente cuatro mil setecientas sesenta varas en dichos dos vientos la tierra que en ellos encierra es toda de pan llevar, con las comodidades de agua al pelo de la tierra, y para perpetuar las memorias actuales mandé poner mojoneras, ó efectos de lodo y piedra del altor de un hombre, con sus cruces de madera encima; siendo estas por el norte un Torreon antiguo afrontada con la punta de la cañada que comunmente llaman De la Agua; y por el sur la loma de Mayguá, afrontada al ojo del Carrisito, y por el oriente la Sierra Madre que llaman de Sandia, en cuyos términos hay las comodidades de pastos, montes, aguas y abrebaderos en abundancia, para mantener ganados mayores, menores y caballada; todo lo cual se les dió con libre y general administracion á los referidos Yndios inófitas Moquinos que estan congregados como dicho es, para que la gozen por si, sus hijos, herederos y suscesores; y fueron los que al presente se hallaron trescientas y cincuenta personas chico y grande, que componen setenta familias, á quienes juntas, les concedi, pronuncié y oi la real posecion en nombre de su Majestad, que Dios guarde, y que le sea titulo bastante para que ni ahora ni en ningun tiempo, les sea por ninguna via ocasion de que se les intrometa ó introduzca otra persona ó personas en los términos señalados ya posesionados y para que en todo tiempo conste, lo puse por diligencia, siendo testigos instrumentales le cabo de esquadra Antonio Armenta, y el soldado Juan Simon, y lo firmé con los de mi asistencia con quienes actuó como Juez Receptor, por falta de escribano real ni público que no lo hay en este reyno en los términos prevenidos por derecho, dandose este testimonio, uno á mi reverendo padre ministro para los piadosos fines con el excelentissimo Señor Virrey y méritos de su ministerio y caridad cristiana, y otro le quede al reverendo padre ministro señalado, Fray José Hernandez, y el otro, dar con él cuenta á la gobernacion, en dicho dia, mes y año.

BERNARDO ANTONIO BUSTAMANTE TAGLE,
Juez Receptor.

Testigo: PEDRO TAFOYA.
YSIDRO SANCHEZ TAGLE.

Concuerda con su original donde, yo el sobre dicho teniente general mandé sacar á la letra, valeadero, y verdadero, corregido y concertado, y se hallaron al verlas sacar, corregir y concertar, el cabo de escuadra Antonio Armenta, y el soldado Juan Simon, va en dos y

medio, uno sellado y lo demas comun y para que conste lo firma á los veinte dias del mes de Mayo de mil setecientos cuarenta y ocho.

BERNARDO ANTONIO DE BUSTAMANTE TAGLE,
Juez Receptor.

YSIDRO SANCHEZ TAGLE.

PEDRO TAFOYA.

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEP'T,
Santa Fé, N. Mexico, Oct. 28, 1856.

The foregoing is a true copy of the original on file in this office.

DAVID V. WHITING,
Translator.

SURVEYOR GENERAL'S OFFICE, SANTA FÉ, N. MEXICO,
October 31, 1856.

David V. Whiting, whose signature appears subscribed to the foregoing certificate is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General of N. Mexico.

Don Thomas Velez Cachupin, Governor and Captain General of the Kingdom of New Mexico, and Castillian of its royal garrison, by his Majesty.

Whereas, It is proper that the republic of the Indians of the pueblo of Sandia, newly settled among the nations who came from Moquia, shall finish the construction of their houses according to the terms contained in my previous orders, so that they may live in quiet security and be perpetually established, for which purpose all the natives shall be employed in collecting materials for the construction of their pueblo, without being occupied nor diverted in other works outside of the pueblo by the senior justice, his lieutenant or other person, nor under the pretext of weekly quotas, [semaneros] nor any other supposed to be for the royal service, as I have so instructed Don Antonia Boca, chief justice, in written orders under date of to-day, to whose jurisdiction the aforesaid pueblo belongs. I order and direct the governor, cacique, and other officers of the pueblo of Sandia to so understand it, and that two days in the week be set apart for the manufacture of sun-dried bricks [adobes] by the entire republic, placing under cover all those which may be manufactured, and also to cut the necessary timber for their houses and for the completion of their quarters for the security of their residence and comfortable radical support; no Indian being allowed to leave the pueblo to be occupied by the justice, nor his lieutenant, nor by the governor or other

officer of the pueblo, unless it be to guard the stock or the important labor of cultivating the soil, without neglecting which the pueblo is to be constructed and built, which orders will be promulgated by the senior justice as directed, and I request and entreat the rev. father missionary, who is, or may be established in the aforesaid pueblo of Sandia, to aid as far as possible in carrying out the provisions of this order for the convenience of the service of God and of the king; and this order is to remain in the hands of, and be preserved by the governor of the pueblo and all the officers of the republic, in order that it may serve as perpetual evidence, and that they inform this government in case the senior justice, his lieutenant or any other person, obstructs the fulfilment of this order, so as to take such steps as may be necessary in the premises. Done in the city of Santa Fé, on the 24th day of May, 1762.

THOMAS VELEZ CACHUPIN.

MANUEL ANTONIA DE LORENZ.

MATHEO DE PEÑARREDONDA.

In view of the justice of the foregoing decree given by my predecessor, Don Thomas Velez Cachupin, in favor of the Indians of the pueblo of Sandia, I ratify and revalidate it in all its parts, the observance of which will be promulgated by the senior justice of said pueblo; and I also request and entreat the rev. father missionary who is or may be established in the aforesaid pueblo, to aid as far as possible in carrying out its provisions, in order that the houses and quarters of said Indians may be completed, and [The remaining portion of the order is torn off.]

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, October 10, 1856.

I certify the foregoing to be a correct translation of the original on file in this office.

DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, October 21, 1856.

The foregoing is a true copy of the original translation on file in this office.

WM. PELHAM,
Surveyor General.

Don Thomas Velez Cachupin, Gobernador y Capitan Gen^l. de este reino del Nuebo Mexico, y Castellano de su Real Presidio por S. M.

Por quanto combiniendo el que la republica de los Yndios del pueblo de Sandia nuebamente poblados en el de los naciones que bajaron de Moqui concluian con la fabrica de sus casas en los terminos que en mis antecedentes providencias esta mandado, para que puedan vivir en seguro comodo, y perpetuo establecimiento; para cuios fines deben todos sus naturales estar empleados en el conjunto de materiales

para la referida fabrica de su pueblo sin ser ocupados, ni divertidos en otros trabajos fuera de su pueblo, por el Alcalde Maior, su Theniente, ni otra persona, ni con el pretesto de semaneros, ni atro que se suponga de R^l. servicio, como con fecha de este dia por carta orden lo tengo asi mandado al Alcalde Maior Don Antonio Baca a cuia jurisdicion pertenece el dicho pueblo; ordeno y mando al governadorcilla, cacique y demas oficiales de la republica del pueblo de Sandia, que asi lo tengan entendido; y que destinen los dias en la semana para hacer adobes junta toda la republica, poniendo acubierto todos los que fabricasen, ygualmente cortar la madera necesaria para sus casas y conclusion de sus quarteles para la seguridad de su avitacion, y comoda radical subsistencia, sin que salga ningun Yndio del pueblo á ser ocupado, ni por el Alcalde, ni su Theniente, ni tampoco por el Governadorcillo, ni otro oficial del pueblo, uno que sea ala guardia de su cavallada, y precisas labores de sus siembras que sin perjuicio de estas se haia de construir, y fabricar el pueblo: cuia disposicion celara el Alcalde Maior como le esta ordenado, y ruego, y encargo al reverendo padre ministro misionero que es ó fuere de referido pueblo de Sandia concurra por su parte en quanto le fuere posible a que tenga efecto este mandamiento por combenir asi al servicio de Dios y del Rey. Y este mandamiento lo ha de tener y guardar el governadorcillo del pueblo en conjunto de los oficiales de su republica, para que asi les conste, y den cuenta á esta gobernacion en el caso de que por el Alcalde Maior, su Theniente, ú otra persona impidan el complimiento de esta orden para tomar la providencia que combenga. Fecho en la villa de Santa Fé á 24 de Maio de 1762.

THOMAS VELEZ CACHUPIN.

MANUEL ANTONIO LORENZ,
MATHEO DE PEÑARREDONDA.

En atencion á lo justificado de la providencia arriba dada por mi antecesor Don Thomas Velez Cachupin a favor de los Yndios del pueblo de Sandia, la coroboro y revalido en todos sus puntos cuia obserbancia celara el Alcalde Maior de dicho pueblo; y asi mismo ruego y encargo al reverendo padre misionero que es ó fuere del espresado pueblo concurra en quanto fuere de su parte a que tenga el devido complimiento; afin de que se concluyan las casas, y quarteles de dichos Yndios, y de [balance of the certificate torn off.]

SURVEYOR GENERAL'S OFFICE, TRANSLATOR'S DEPARTMENT,
Santa Fé, New Mexico, October 10, 1856.

The foregoing is a correct copy of the original on file in this office.
DAVID V. WHITING, *Translator.*

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, October 10, 1856.

David V. Whiting, whose signature appears subscribed to the foregoing certificate, is, and was at the time of signing the same, the translator of this office.

WM. PELHAM,
Surveyor General, New Mexico.

ISLETA.

Ambrosio Abeyta, governor, Pedro Apodaca, José Chirino, principals, and Jesus Maria Abeyta, secretary of the pueblo of Isleta, being duly sworn by the surveyor general of New Mexico, answered to the interrogatories propounded to them in the following manner:

Question. Do you know if the pueblo of Isleta received a grant to the land embraced within the limits of the pueblo from the government of Spain?

Answer. The pueblo received a grant from the King of Spain; so we have a tradition in the pueblo.

Question. Do you know where the grant is now?

Answer. We do not.

Question. Do you know how the pueblo was deprived of its possessions?

Answer. The old men of the pueblo say it was deposited in the archives of the territory. Miquel Antonio Lobato informed us that he had the grant of the pueblo in his hands not long since; that it was in the possession of a man at Polvadera or Socorro. We have been informed by others also that it was there.

Question. Does your pueblo claim the same amount of land as was granted to the other pueblos?

Answer. We received one league to the north and one league to the south, on the west to the Puerco river, and on the east "El Espinazo de la Sierra."

Question. Do you know how long the pueblo has been in existence, and was the oldest inhabitant born in the pueblo?

Answer. We do not know how long the pueblo has been in existence; our grandfathers were born there. The oldest inhabitant of the pueblo, now one hundred years old, more or less, was born there also.

Question. Do you live entirely by agricultural pursuits, and do you raise enough to support you comfortably?

Answer. We live entirely from the products of the soil, and raise enough to support us comfortably; indeed some of our men are wealthy.

AMBROCIO ABEITIA.

JOSÉ CHIRINO.

PEDRO APODACA.

JESUS MARIA ABEITA.

Witnesses: J. M. GALLEGOS.

JOHN WARD.

Sworn to and subscribed before me this 8th day of November, 1856.

WM. PELHAM,
Surveyor General of New Mexico.

SURVEYOR GENERAL'S OFFICE,
Santa Fé, New Mexico, November 24, 1856.

The foregoing is a correct copy of the original now on file in this office.

WM. PELHAM,
Surveyor General of New Mexico.